

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

ORIGINAL
FILE

In the Matter of)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
Quincy and Susanville,)
California))
To: Chief, Mass Media Bureau)

MM Docket No. 92-221
RM 8071

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF SIERRA
BROADCASTING CORPORATION

Sierra Broadcasting Corporation, Licensee of Stations KSUE and KSUE-FM, Susanville, California, submits its comments on the above-captioned proposal, as follows:

1. This proceeding arises upon a Petition by Olympic Broadcasting, Inc., which would exploit the Commission's allocation procedures to move station KQNC from Quincy to Susanville, California.

2. Although the scheme has a surface plausibility in terms of the numbers recited, and claims to further the goals of Section 307(b) of the Communications Act, a more extreme example of channel manipulation, and derogation of the statutory mandate for equitable distribution of frequencies among the states and communities, would be difficult to imagine. This is not merely an upgrade, and change of City-of-License -- it is an abandonment of the only FM operation in Quincy (the Plumas County Seat) in order to move into a new

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market and commercial center outside its present coverage and business area. It would justify this by pointing to the continued presence of two Class A assignments, ostensibly licensed, but with no sign of activation (we note from the releases of November 10, 1992 that KNLF has filed a fifth request for extension of time to construct). However, these are but numbers and names on pieces of paper as compared to the loss of the community's only operating station. If rich and powerful Olympic, with its multiple broadcast interests, cannot, or will not, maintain service to this small, but significant, community, what chance would any one have to survive with Class A facilities in a town of 2700 nestled in mountains, with no capacity to reach out towards the more populous parts of this remote region?

3. The Petitioner admits that it deliberately downgraded KQNC from a C2 to a Class A in order to further the wants of a commonly owned station, KFIA, Shingle Springs, California, for greener commercial pastures in the Sacramento area, where Olympic already has an AM, and is seeking an FM in MM Docket 89-543. In other words, deliberately it chose to cripple the Quincy station's capacity for purely commercial gains elsewhere.

4. It should also be noted that from the allocations standpoint while the assignments appear to be proportionate, they are not at all! Susanville would have three high powered Class C Channels, leaving Quincy with Class A facilities that can't get out of those mountains to reach populations vital to survival. In

reality, the proposal would leave Quincy with nothing.

5. The way Olympic has behaved in Quincy is also of interest. There is no evidence that the Company ever made any attempt to develop KONC as a local facility, or showed any interest in the community. It appears that they are operating it as a satellite of their Reno station KTHX(FM). The only plausible inference from Olympic's Quincy acquisition is that it was done as a springboard towards Susanville.

6. Although the Commission did, by amendment of its rules in MM Docket 88-526 (68 RR2d, 646), invite opportunistic ventures such as this, Section 307(b) still governs: the Report and Order in this connection reflects the grave concern of the Commission over the artificial, or purely technical manipulation of allocation policies, that is exactly what we see here. Moreover, in the Ammiston-Atlanta case the Commission was brought to reject the proposal of Tom Gammon to move from the smaller to the larger place. Although that case involved large numbers, the principle is the same, and the public interest damage present here is far worse. This is not a suburban situation, but one of different areas and conditions, in which the County Seat of a remote mountain town, with very limited services available due to the topography, is being abandoned.

7. The Petitioner recited that it was in furtherance of Section 307(b) goals, but it is actually the opposite. Moreover, no matter how the Commission chooses to characterize it's

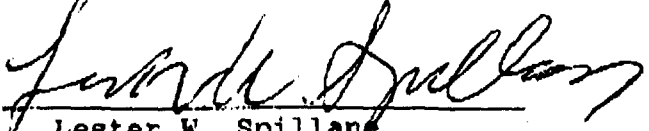
authority, Section 307(b) of the Act speaks in terms of "shall" and is a mandate. If Olympic can get away with a manipulation like this, the Section will have become a mockery.

We urge that the Amendment not be adopted, and that Olympic be required to maintain its KQNC operation in the public interest of Quincy.

Respectfully submitted,

SIERRA BROADCASTING CORPORATION

By


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Dated: November 22, 1992

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CERTIFICATE OF SERVICE

I, Rhea Lytle, do hereby certify that on this 23rd day of November, 1992, a copy of the foregoing "Comments of Sierra Broadcasting Corporation" was sent by U.S. first class mail, postage prepaid to:

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